

New Bar Committee for family offices is the first of its kind in the United States

Nicola Saccardo

When the 2024–2025 bar year kicks off in the autumn, the Chicago Bar Association (CBA) will have a new committee unlike any other in the United States. Focused on family offices, it will be the first organised committee of lawyers who practise in this niche space.

According to the CBA's committee guide:

The Family Office committee supports attorneys who counsel clients utilizing family office structures to manage significant wealth and complex assets. This includes both retained and in-house counsel, locally and nationally. Through meetings, forums, and seminars, the committee fosters collaboration among practitioners in the inter-disciplinary practice of Family Office law, which includes: estate planning & trusts, tax, business transactions, and corporate governance.

The idea came from one of the committee's inaugural chairs, Nicholas Tyszka, an attorney at Handler Law, LLP in Chicago, who focuses his practice primarily on governance issues for family offices.

"As I learned the family office space, what I quickly saw was that unless a client with an existing family office came to us seeking new counsel, we largely didn't know what other lawyers were doing", said Tyszka. "It's only when we saw governing documents from other firms that I could see the nuanced differences between what we were doing for clients and what other lawyers across the country were implementing."

Thomas J Handler is the chairman of Handler Law, LLP in Chicago. He leads a team of more than 20 lawyers who focus almost exclusively on advanced planning for family offices and admits that the legal landscape for these offices has been opaque.

"It's not uncommon for me to speak at family office conferences around the world alongside lawyers from other leading firms in the space – firms like

McDermott, Perkins, or Withers", said Handler. "And while we speak generally about holding or operating companies, and the types of trusts we use and where we domicile them, part of what differentiates each player in the marketplace is what we don't talk about. So there's no question that there hasn't been a lot of transparency."

But as the number of family offices in the United States has grown dramatically during the past 40 years, it has been increasingly difficult for the few law firms who routinely handle these matters to accommodate the demand.

Handler was admittedly an early entrant into the modern-day family office practice, being the first firm in the country to start a dedicated practice group. "During my career, I've represented more than 350 family offices, and more than 100 billionaire families", added Handler. "And I'd say that as I sit here today, we really still have only a handful of law firms who really know what they are doing. The planning can be very complex and good governance can have huge implications on future tax liability and asset protection. So good lawyering matters."

Before the committee was formed, Tyszka examined how many law firms across the country self-describe themselves as having a "family office practice".

"Despite there being so few lawyers who have done this many times over, there seem to be a lot of folks who are clamouring to get into the industry", added Tyszka. "We found almost 60 firms who say they do this work, though my guess is that many of these are firms who have only done tangential work for an office and have little experience with formation or true governance. And there's really no good place for them to learn."

Angelo Robles, the founder and former leader of the Family Office Association and now founder of SFO

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Continuity, has advised thousands of family offices and dozens of billionaire families throughout his career. He sees the wisdom in a committee like this starting in Chicago.

“While a lot of old money emanates from the east coast and tech money comes from the west coast in places like Silicon Valley, Chicago has its share of blue chip families like the Pritzker’s and Crown’s”, said Robles. “And because of the rich history of trust companies like Northern Trust and BMO Harris, alongside MFOs like Gresham, a lot of the behind-the-scenes work goes on in Chicago. And then you have some of the best family office lawyers in the world like Domingo Such and Tom Handler – they’re all Chicagoans.”

The committee has become a true group effort. Along with Tyszka, the inaugural committee will be led by Anthony R Licata, the former managing partner of Taft Stettinius & Hollister LLP’s Chicago office; Ray

J Koenig III, the global co-chair of Clark Hill PLC’s litigation practice and immediate past president of the Chicago Bar Association; and Jennifer F Kuzminski, a trusts & estates partner at Aronberg Goldgehn Davis & Garmisa.

The group will also have an advisory council made up of prominent American attorneys like Handler. But it will also include prominent international attorneys like Marnin Michaels of Baker McKenzie and Nicola Saccardo of Charles Russell Speechlys.

The family office committee will meet for the first time on Tuesday 17 September at 4:30pm, which will feature a panel assessing the current state of the industry. It will take place at Clark Hill and be followed by a kick-off reception immediately thereafter. Future meetings will then take place monthly and will be available virtually for lawyers outside of Chicago.

Nicola Saccardo is a Partner of Charles Russell Speechlys LLP. He is admitted to practise in Italy as a lawyer and as a chartered accountant, and in England and Wales as a solicitor. His area of expertise is Italian tax law, with a focus on taxation of trusts, estates and HNWIs; relocation of HNWIs; estate tax planning; and international and EU tax law. Nicola is the Editor of The International Family Offices Journal.

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